



H.R. 6493 – Aviation Safety Enhancement Act of 2008

FLOOR SITUATION

H.R. 6493 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative James Oberstar (D-MN) on July 15, 2008. The bill was referred to the Committee on Transportation and Infrastructure, but was never considered.

H.R. 6493 is expected to be considered on the floor of the House on July 22, 2008.

SUMMARY

Aviation Safety Whistleblower Investigation Office: H.R. 6493 establishes an Aviation Safety Whistleblower Investigation Office within the Federal Aviation Administration (FAA). The Office will be headed by a Director, to be appointed by the Secretary of Transportation for a term of five years. The Director will receive complaints and information from FAA employees. The Director must assess these complaints and information and make recommendations to the FAA Administrator for further investigations or corrective actions, if necessary. The Administrator must respond in writing to any recommendation made by the Director.

H.R. 6493 requires the Director to immediately report a violation of Federal criminal law to the Inspector General of the Department of Transportation. The Director must report annually to Congress on complaints and information received, as well as corrective actions recommended and the responses of the FAA Administrator.

The bill does not allow the Director of the Office to disclose the identity of an individual who submits a complaint or information, unless the individual consents or the Director determines that such disclosure is unavoidable. H.R. 6493 states that the Director may not be prevented from completing an assessment or from reporting to Congress.

Customer Service Initiative Modification: The bill requires the FAA Administrator to modify the agency's customer service initiative to remove any reference to air carriers as 'customers', to clarify that FAA's only customers are traveling individuals, and to clarify that air carriers are not able to select which FAA employees inspect their operations.

FAA Flight Inspectors Post-Employment Restrictions: H.R. 6493 prohibits air carriers from employing or contracting with an individual to act as an agent or representative before the FAA if that individual was an FAA flight inspector in the preceding two years, or if the individual otherwise inspected or oversaw the air carrier. This requirement does not apply to an individual employed before enactment of the Act.

FAA Principal Maintenance Inspectors: The bill prohibits FAA principal maintenance inspectors from overseeing a single air carrier for a continuous period of more than 5 years. H.R. 6493 authorizes such sums as necessary to carry out this provision.

Air Transportation Oversight System Database Review: H.R. 6493 directs the FAA Administrator to establish a process to review the air transportation oversight system database on a monthly basis for trends in regulatory compliance, and to ensure that corrective actions are taken in accordance with FAA regulations. Monthly reports must be submitted to the Administrator and quarterly reports must be submitted to Congress.

BACKGROUND



LEGISLATIVE DIGEST

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H.R. 6493 seeks to address concerns regarding the Federal Aviation Administration's (FAA) oversight of airline maintenance programs. The FAA relies greatly on data sharing and risk assessments in overseeing the world's safest commercial airline industry. Under this approach, airlines are expected to report maintenance problems that they discover to the FAA. In return for self reporting and correcting specified lapses, the airlines may avoid fines.

Certain recent investigations by the DOT IG and Transportation & Infrastructure Committee Majority staff uncovered an apparently unusual situation where this system of oversight broke down. In this case, concern focused on the inability of a FAA inspector to advance his concerns related to airline maintenance lapses because of an alleged "cozy" relationship between his managing inspector and the airline's maintenance official. While the results of the investigation showed that this situation does not appear to be widespread throughout the FAA, the legislation limits the opportunity for such abuses to be repeated in the future.

The Federal Aviation Administration is an agency within the Department of Transportation that oversees and regulates the U.S. aviation system with the task of providing the safest and most efficient system in the world. Robert A. Sturgell is the Acting Administrator of the FAA and oversees an agency budget of about \$14.9 billion annually.

COST

The Congressional Budget Office (CBO) has not produced a cost estimate for H.R. 6493 as of July 21, 2008.

STAFF CONTACT

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